



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: May 19, 2005
Comment Deadline: June 17, 2005
Corps Action ID #: 200520149

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Governors Club Limited Partnership
Attn: Mr. Dan Vincent
Post Office Box 3923
Sanford, NC 27331

AGENT (if applicable): Soil & Environmental Consultants, PA
Attn: Mr. Bob Zarzecki
11010 Raven Ridge Road
Raleigh, North Carolina 27614

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to the applicable procedures of Section 404 of the Clean Water Act.

Location

The project is located in Governors Village Subdivision, east of Mt. Carmel Church Road, north of Old Farrington Road, southeast of Chapel Hill, Chatham County, North Carolina. The site contains wetlands and unnamed tributaries to Cub Creek, in the Cape Fear River Basin (8-Digit Cataloging Unit 03030002). Coordinates (in decimal degrees) for the site are 35.8509 ° N, 79.0246 ° W.

Existing Site Conditions

The subdivision, which is located in a suburban area south of Durham, has been under development for several years. Currently, northern and western portions of the property contain single and multi-family residential units or commercial space. The southern portion of the project contains several forested tracts and a large stormwater pond

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originally constructed to treat stormwater runoff from the entire site. Two stream channels flow into the upper (northern) end of the pond from existing portions of the development. Both stream channels receive considerable runoff from completed portions of the development. A small drained pond, which now contains an herbaceous wetland, is also located in a forested area to the west of the stormwater pond.

Applicant's Stated Purpose

As stated by the applicant, the purpose of the project is to complete construction of Governors Village, and to provide retail, office, and other commercial services and housing for residents within the surrounding community.

Project Description

The permit request for this project is an after-the-fact application. Some of the impacts associated with this permit application have already been completed. This public notice does not imply, on the part of the Corps of Engineers or other agencies, either a favorable or an unfavorable opinion of the work performed. This notice is issued to solicit comments regarding the factors on which a final decision will be based. The applicant has agreed to place the project on hold, pending the resolution of the permit application. Further enforcement action, including possible legal action, has been suspended pending the outcome of this consideration.

The project is a mixed-use development that includes residential and commercial areas. Development of the site began in the mid-1990's and has progressed from the northern portion of the site to the south. During the initial stages of the project, the Corps provided permit authorization for all existing and proposed impacts, however the authorization expired before all impacts could be completed. One of the road crossings, shown on Impact Map 2 in the attached plans, was constructed after the permit authorization expired. The applicant is applying for reauthorization for this unauthorized road crossing and for all remaining unfinished impacts.

As stated by the applicant, there are several remaining impacts to waters of the U.S. needed for completion of the project. Additional construction is planned to expand the existing commercial portion of the site to allow two additional buildings and parking areas. The work, as depicted on Impact Map 1, will require the placement of concrete culverts, fill material, and riprap into 0.118 acre of wetlands. The applicant also proposes to extend utility services across the stream system downstream of the commercial site. These impacts, shown on Impact Map 2, will temporarily disturb of 0.012 acre of wetlands and 20 linear feet of perennial stream channel. Map 2 also shows the road crossing that was constructed to provide access between residential and commercial portions of the site. This road was constructed without permit authorization and has resulted in the placement of culverts and fill into 148 linear feet of perennial stream channel. A second road crossing is planned to provide access between the existing residential areas and an undeveloped tract that will contain 49 single-family residential lots. This road crossing, as shown on Impact Map 3, will require the placement of

culverts and fill into 0.041 acre of open water which was formed by the back water of the storm pond extending up one of the tributaries. Map 3 also depicts the temporary disturbance of 0.022 acre of wetland and 34 linear feet of intermittent stream channel for the construction of utility lines required to service the new single-family residential area. The final impact will result from the placement of 0.213 acre of fill material into herbaceous wetlands located in the bed of the drained pond. These impacts, which are depicted on Impact Map 4, are necessary for the construction a new 76-unit town home cluster. Heavy equipment, including graders, pan scrapers, excavators, bull dozers, etc. will be used for the construction of the project.

Impacts to wetlands associated with all proposed activities totals 0.365 acre, including 0.034 acre of temporary disturbance. Impacts to stream channels associated with all proposed activities totals 202 linear feet, including 54 linear feet of temporary disturbance. The total loss of all waters of the U.S. is 0.425 acre. The applicant proposes mitigation for impacts to stream channels and wetlands associated with the project at a 1:1 ratio by providing payment into the North Carolina Ecosystem Enhancement Program for the restoration of 148 linear feet of stream channel, 0.365 acre of riparian wetlands. No mitigation for impacts to open waters has been proposed.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by June 10, 2005.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental

Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, June 17, 2005. Comments should be submitted to Todd Tugwell, Raleigh Regulatory Field Office, 6508 Falls of the Neuse Road, Suite 120, Raleigh, NC 27615.



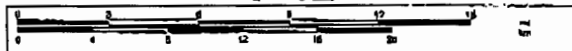
PROJECT LOCATION
 AID # 200520149
 Governors Club Limited Partnership
 Post Office Box 3923
 Sanford, NC 27331

Chatham County, North Carolina
 May 19, 2005
 Sheet 1 of 7

DeLORME

© 2001 DeLorme. Map Print Pack
 Zoom Level: 9-0 Datum: NAD27

Scale 1 : 400,000
 1" = 6 mi





Project #:	Scale:
9325.w1	NTS
Project	Date:
Mgr.: BZ	5-2-05

Farrington, NC
USGS Quad

Governor's Village
Chatham County, NC

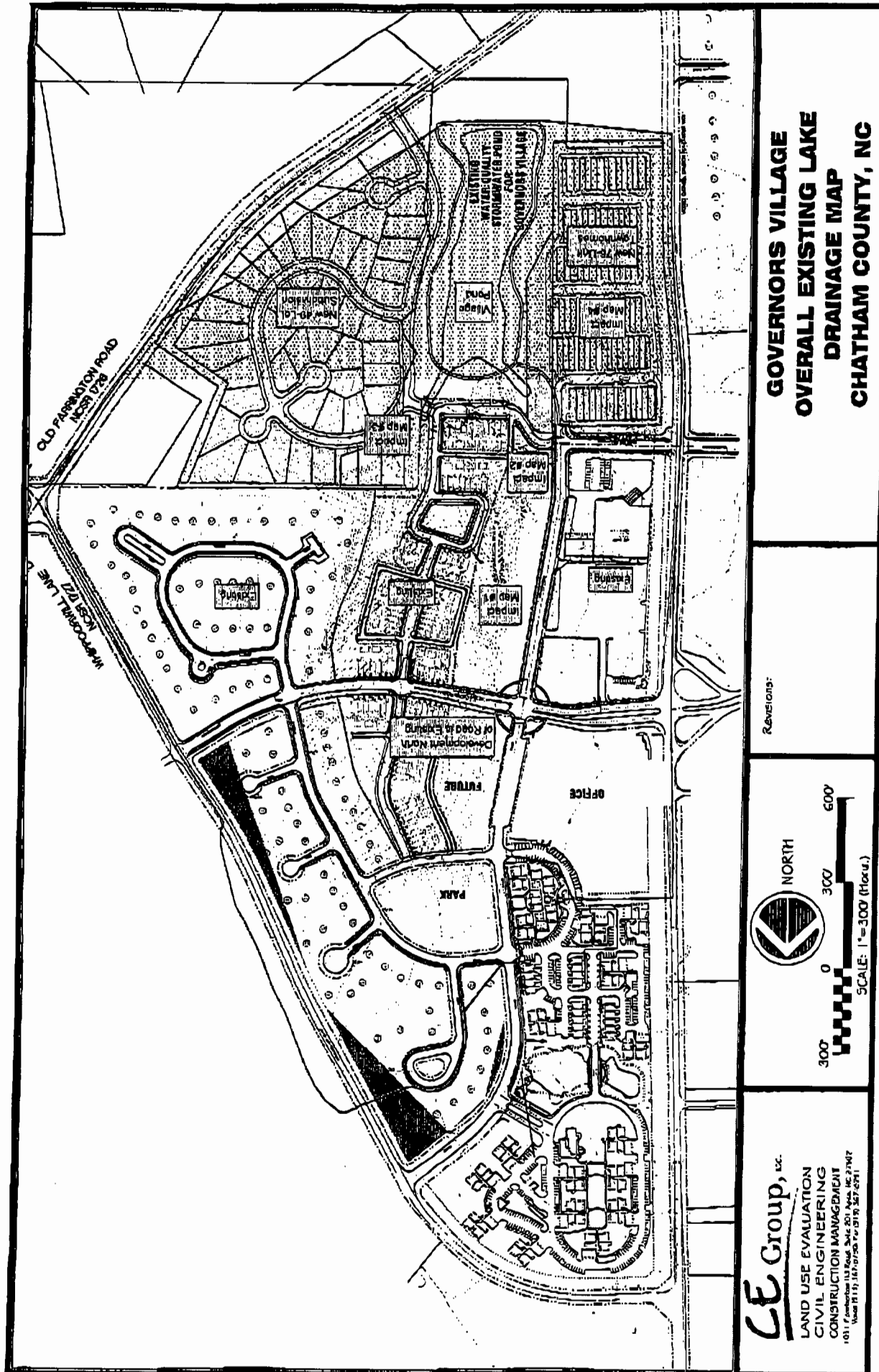
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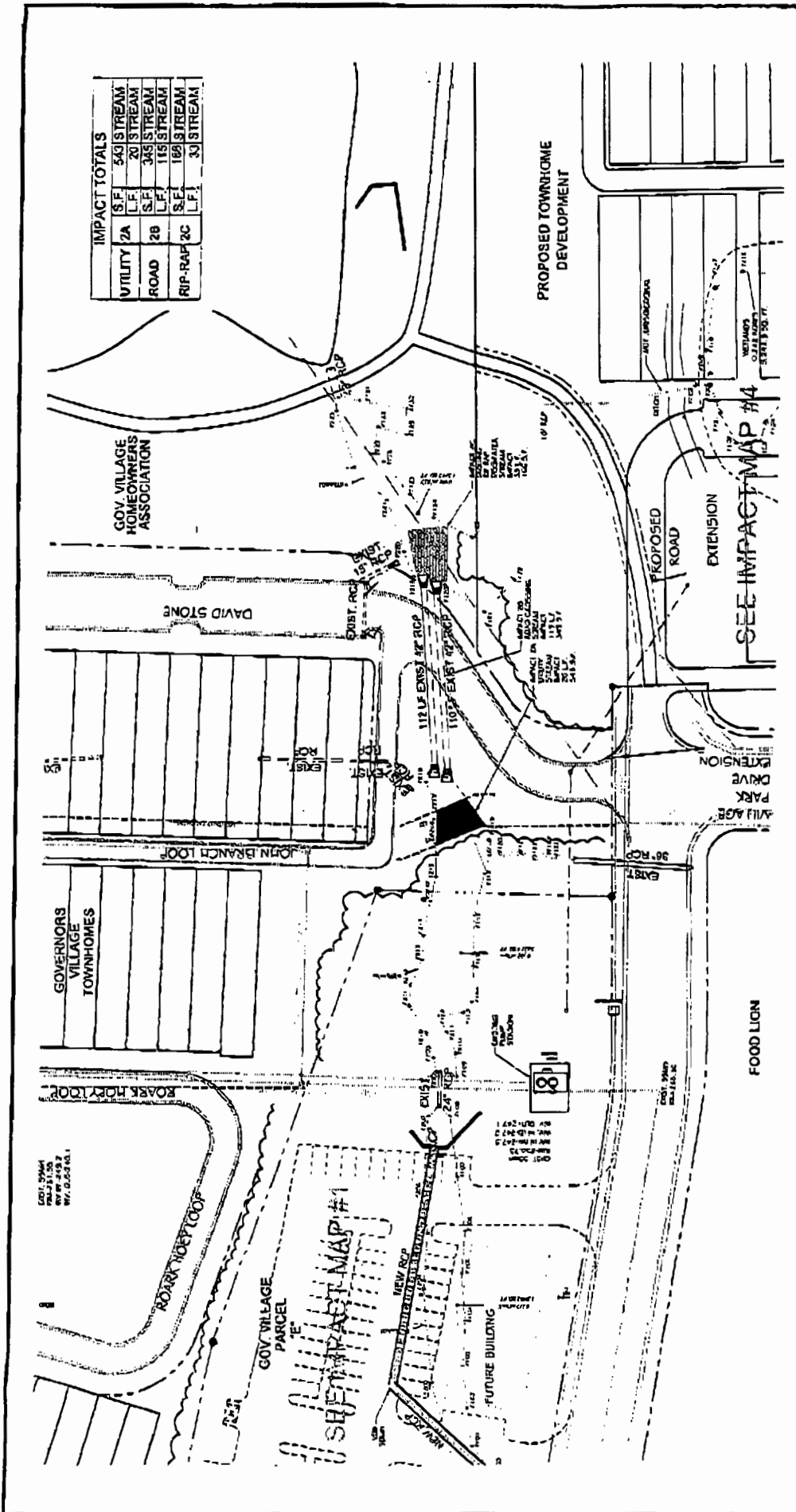
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USGS TOPOGRAPHIC MAP
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Chatham County, North Carolina
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Sheet 2 of 7

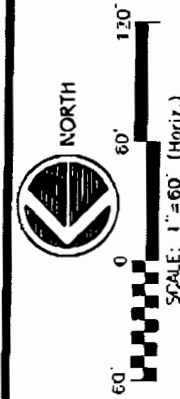




**GOVERNORS VILLAGE
TOWNHOMES IMPACT
WETLAND IMPACT MAP #2
CHATHAM COUNTY, NC**

<p>IMPACT MAP 2</p> <p>AID # 200520149</p> <p>Governors Club Limited Partnership</p> <p>Post Office Box 3923</p> <p>Sanford, NC 27331</p>	<p>Chatham County, North Carolina</p> <p>May 19, 2003</p> <p>Sheet 5 of 7</p>
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Revisions:



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